IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1788 OF 1986

Punjab and Sind Bank ....Plffs.
vs.
Dhruv Kumar Moudgil ....Defnds.

Mr. K. Modi i/b. Haridas and Co. for the plffs.

None for the defendants though served.

CORAM: S.U. KAMDAR, J.

DATE : 8TH AUGUST, 2005.

P.C. :

1. The present suit is filed for the recovery of sum of Rs.1,53,142.75/- together with interest at the rate of 17.5% p.a. Some of the material facts of the present case are as under :

2. The present suit is filed by the plaintiff bank against a defendant who has committed fraud by manipulation of various entries

in the books of account in collussion with various constituents and third parties. The plaintiff has committed various fraud inrespect of various instances which are set out in para-3(a) to 3(o) of the plaint. It is the case of the plaintiff that all these frauds have been discovered much subsequently. It is a further case of the defendants that for the aforesaid amount the defendant is liable because he has fraudulently made the plaintiff suffer monitary loss. According to the plaintiff the defendant has admitted the aforesaid fraud carried out by him in his letter dated 27.10.1984. In view of the said admission the plaintiff has filed the present suit for the recovery of the aforesaid amount from the defendant employee The plaintiff has filed the written statement dated 3.1.1982. In the said written statement he has puropotedly denied the liability while contending that he was not carrying out the aforesaid work and thus not liable for the same. He has further denied that he has committed any fraud or entered into any fraudulent transactions.

3. The issues were framed on 7.7.2005. The matter was on board on earlier occasion i.e. 11.7.2005, 16.7.2005, 29.7.2005, 2.8.2005 and 3.8.2005. None appeared for the defendants on all the aforesaid occasions. I even directed to give notice to the advocate for the defendants. Notice has been duly served. Acknowledgement has been produced by the plaintiff. In so far as notice to the defendant himself is concerned it has come back saying that the address has changed. The plaintiff has filed the affidavit of D.D. Sushma and also tendered a compilation of documents on record which is marked Ex.P.1 colly. The affidavit of evidence is also taken on record. In absence of any defence by the defendants and that the evidence of the plaintiff has gone unchallenged. I am required to decree the suit. In the aforesaid circumstances, I pass the following decree :

There shall be a decree in

favour of the plaintiffs and against the defendants for a sum of Rs.1,53,142.75/- with further interest from the date of the suit till payment and/or realisation at the rate of 9% p.a. only.

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